srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2421 OF 2007.
IN
WRIT PETITION NO. 6733 OF 2006.

Vijaykumar G. Appadore & Others. ..Applicants.

V E R S U S

Col. Micky Oberoi & Others. ..Respondents.

Mr. S. S. Kulkarni for the Applicant.

Respondent no.1 party in person present.

CORAM: S. B. MHASE & D.G.KARNIK,JJ.

DATE: SEPTEMBER 28, 2007.

P.C.

1. Heard learned counsel for the applicants and the respondent no.1-in-person.

2. By this application the applicant seeks to add party as a proposed petitioner and also make amendments as mentioned in the schedule of amendments.

3. So far as the schedule of amendment is concerned, it relates to the happening of the events which happened during the pendency of the writ petition. We therefore see no reason to deny the amendment as the applicant is entitled to bring those facts on record.

4. As regards the addition of party, it is

strongly objected by the respondent no.1. No ground is made out for addition of the party. According to the respondent no.1, the party which is proposed to be added has no right in the property, she has been evicted three and a half years ago from the suit property. In the circumstances the proposed party cannot be added. The submissions of the respondent are accepted.

5. For these reasons the civil application is allowed in part. The applicant is allowed to carry out amendment as per the Schedule of amendments but excluding addition of a party. The amendment shall be carried out in two weeks.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**